

S U M M A R Y A C T I O N M I N U T E S



REGULAR MEETING OF THE BOARD OF SUPERVISORS ORANGE COUNTY, CALIFORNIA

Tuesday, December 4, 2001, 9:30 A.M.

BOARD HEARING ROOM, FIRST FLOOR
10 Civic Center Plaza
Santa Ana, California

CYNTHIA P. COAD
CHAIR
Fourth District

JAMES W. SILVA
VICE CHAIR
Second District

CHARLES V. SMITH
SUPERVISOR
First District

TODD SPITZER
SUPERVISOR
Third District

THOMAS W. WILSON
SUPERVISOR
Fifth District

ATTENDANCE: All Present

EXCUSED: None

PRESENT:	COUNTY EXECUTIVE OFFICER	Michael Schumacher
	COUNTY COUNSEL	Benjamin P. de Mayo
	CLERK OF THE BOARD	Darlene J. Bloom

INVOCATION: Supervisor Wilson, Fifth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Silva, Second District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

II. CONSENT CALENDAR (Items 1-30)

32145 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 7 WHICH RECEIVED AN ABSTENTION FROM SUPERVISOR SMITH; ITEM 23 WHICH WAS CONTINUED TO 12/18/01, 9:30 A.M.; AND ITEM 29 WHICH WAS PULLED FOR DISCUSSION AND SEPARATE VOTE**

COMMENDATIONS/PROCLAMATIONS

1. **Supervisor Silva** - Adopt resolution recognizing and congratulating Dennis E. Carpenter on the occasion of his retirement from Carpenter, Snodgrass & Associates and commending him on his thirty-nine years of exemplary service to the public
RESO: 01-400

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2. **Supervisor Spitzer** - Adopt resolution commending John Sandy for his outstanding dedication and contributions to Operation Santa Claus
RESO: 01-401

Chair Coad:

3. Adopt resolution commending "We Give Thanks Incorporated" for their dedicated and unselfish acts of giving and caring for the homeless
RESO: 01-402
4. Adopt resolution recognizing the 75th Anniversary celebration of City of Placentia and its contributions to the growth and welfare of the County of Orange
RESO: 01-403

HEALTH CARE AGENCY

5. Approve amended lease with LB Laguna Beach Holdings, LLC for office space for Adult Mental Health program facility, Laguna Beach; and make California Environmental Quality Act findings - District 5

HOUSING AND COMMUNITY DEVELOPMENT

6. Approve Community Housing Development Organization Pre-Acquisition Loan Program recommendations; approve standard form loan documents; and authorize Director or designee to execute previously approved agreements with Anaheim Supportive Housing for Senior Adults, Neighborhood Housing Services of Orange County and Southern California Indian Center Los Angeles, Inc. - All District
7. Approve assignment and assumption of Ground Lease from Advanced Group 89-5 to Advanced Group 01-75, Crestwood Apartments, Lake Forest - District 5

32154 **APPROVED AS RECOMMENDED**
A

JOHN WAYNE AIRPORT

8. Approve lease with Aloha Airlines, Inc. for passenger air carrier operations, 12/6/01 - 12/31/05; authorize Director to allocate two Regular Class A ADDs, 4/1/02 - 12/31/05; and make California Environmental Quality Act and other findings - District 2 (*RA #4 4/5 vote*) (Continued from 11/20/01, Item 15)

PLANNING AND DEVELOPMENT SERVICES

9. Approve agreement with San Clemente for transfer of Regional Housing Needs Assessment housing allocation units - District 5

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PUBLIC FACILITIES AND RESOURCES DEPARTMENT

10. Adopt resolution certifying completion of street and street lights improvements; authorizing release of securities; and accepting public street improvements and street lights, Tract 11919, Beazer Homes Holdings Corporation, Foothill Trabuco area - District 3
RESO: 01-404
11. Adopt resolution certifying completion of street improvements and street lights; authorizing release of securities; and accepting public street improvements and street lights, Tract 15536, Shea Las Flores, LLC, Las Flores area - District 5
RESO: 01-405
12. Approve award of contract to HL Miller Construction for public access and ADA compliance, West Justice Center, Westminster (\$73,663) - District 1
13. Approve award of contract to HL Miller Construction for public access and ADA compliance, Harbor Justice Center, Newport Beach (\$73,020) - District 2
14. Approve award of contract to HL Miller Construction for public access and ADA compliance, North Justice Center, Fullerton (\$67,439) - District 4
15. Approve agreement 01-0333 with State Department of Food and Agriculture for mandated enforcement of nursery stock regulations, 7/1/01 - 6/30/02 (\$25,533) - All Districts
16. Approve agreement D99-100 with Laguna Woods for design of Moulton Parkway Smart Street improvements - District 5
17. Approve award of contract to Premium Construction for new playground equipment with ADA rubberized surface, Mile Square Park, Fountain Valley (\$69,994) - District 2
18. Approve price agreements with Sapphire Technologies and Group Oliver for information and technology services by professional and staff personnel, 12/4/01 - 4/30/02 (\$138,000) - All Districts
19. Approve agreement D01-094 with Newport Beach for funding of Regional Marine Life Refuge Community Watch Program - Districts 2 & 5
20. Approve plans and specifications and set bid opening for 1/2/02, 2:00 p.m., for slurry seal of various streets; and make California Environmental Quality Act findings - Districts 1, 3 & 4

Acting as the Orange County Flood Control District:

21. Approve consent to assignment of interest in lease with Instant Storage to Bristol Street Mini Storage, LLC - District 2
22. Authorize payment to Huntington Beach for additional water quality studies, Talbert-Lower Santa Ana River Watershed (\$309,898) - Districts 1, 2 & 5

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PUBLIC PROTECTION

23. **Sheriff-Coroner** - Authorize Sheriff-Coroner to implement Law Enforcement Tow System pilot program; approve license and price agreement N1000003474 with Dispatch and Tracking Solutions, LLC for tow management services, 11/6/01 - 7/4/03; authorize purchasing agent to amend agreements with participating tow companies to increase charge to owners of towed vehicles by an amount not to exceed \$9.00 per vehicle; and direct Sheriff-Coroner to return to Board with report near end of pilot project - All Districts (Continued from 11/6/01, Item 25; 11/20/01, Item 35)
- 32154 **CONTINUED TO 12/18/01, 9:30 A.M.**

GENERAL ADMINISTRATION

County Executive Office:

24. Approve renewal of price agreement N1000001784 with Marsh USA Risk & Insurance for actuarial services, 3/15/02 - 3/14/03 (\$12,540 each year) - All Districts
25. Approve four-year lease with 921, LLC for storage space of telephone/communications equipment, Santa Ana; and make California Environmental Quality Act findings - District 1

Registration/Elections:

26. Approve request from Aliso Viejo to change date of their general municipal elections from April to November of even-numbered years and to consolidate their election with statewide general elections - District 5
27. Appoint Frank E. Eley as General Member and Keith L. Concannon, as Retired Member to the Orange County Employees Retirement System, Board of Retirement in lieu of election for terms 1/1/02 - 12/31/04 - All Districts
28. **Treasurer-Tax Collector** - Adopt resolution approving public auction/internet sale # 1365 on 2/21/02, and internet sale # 1366 on 3/21/02, to sell tax-defaulted real property - All Districts
RESO: 01-406
29. **Chair Coad** - Adopt resolution directing County Executive Office and Health Care Agency to report to Board whether Community Health Charities of California Incorporated should be permitted to conduct an annual fund raising campaign for employees of County of Orange (Continued from 11/20/01, Item 2)
- 41235 **APPROVED AS RECOMMENDED**
RESO: 01-407
30. **Clerk of the Board** - Approve 2002 Board of Supervisors and quarterly MCAS El Toro Local Redevelopment Authority Meeting Schedules - All Districts

END OF CONSENT CALENDAR

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III. DISCUSSION ITEMS (Items 31-S51B)

COMMUNITY SERVICES AGENCY

31. Approve amended agreements with Garden Grove (\$545,095; new total \$2,529,868), La Habra (\$425,000; new total \$1,881,404), Coast Community College District (\$749,000; new total \$2,747,788) and TTI America, Inc. (\$425,000; new total \$1,472,222) for Regional One-Stop Program - All Districts
31254 **APPROVED AS RECOMMENDED**

HEALTH CARE AGENCY

32. Adopt resolution approving award letter from State Department of Health Services for local assistance funding for tuberculosis control and prevention, 7/1/01 - 6/30/02 (\$1,085,217) - All Districts
53124 **APPROVED AS RECOMMENDED**
RESO: 01-408
33. Approve extension of lease with Ralph R. and Myrta Crosswhite for office space for two year period, Fullerton; and make California Environmental Quality Act findings - District 4
42135 **APPROVED AS RECOMMENDED**
34. Approve submission of Description of Proposed Expenditure to State Department of Health Services for California Healthcare for Indigents Program, FY 2001-02 (Prop 99 funds) - All Districts
13254 **APPROVED AS RECOMMENDED**
35. Approve agreement with State Department of Health Services for Emergency Medical Services Appropriation funds, FY 2001-02 (\$1,147,500)- All Districts
31254 **APPROVED AS RECOMMENDED**

INTEGRATED WASTE MANAGEMENT DEPARTMENT

36. Select Advanced Earth Sciences, Inc. as primary and Geosyntec Consultants as alternate firms for construction management and other support services, Santiago Canyon Landfill; and authorize negotiation of agreement for Board approval - District 3
32154 **APPROVED AS RECOMMENDED**
37. Approve price agreement N1000003930 with Shepherd Machinery Corporation for service, maintenance and repair of heavy equipment for Central Regional Landfill operations, 12/1/01 - 11/30/04 (\$3,000,000 per year); renewable for two additional years - District 3 (Continued from 11/20/01, Item 50)
31254 **APPROVED AS RECOMMENDED**

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JOHN WAYNE AIRPORT

38. Status Report regarding discretionary spending of John Wayne Airport revenues and related Board actions - All Districts
12354 **RECEIVED AND FILED STATUS REPORTS; DIRECTED STAFF TO SCHEDULE PUBLIC**
NN **HEARING FOR CONSIDERATION OF RATE INCREASE OPTIONS AT THE SAME TIME**
THE COUNTY'S MID YEAR BUDGET ADJUSTMENT REPORT WILL BE CONSIDERED

PUBLIC FACILITIES AND RESOURCES DEPARTMENT

39. Select Bryant Palmer Soto Inc. as primary firm for revitalization of Dana Point Harbor; and authorize negotiation of agreement for Board approval - District 5
B.O. **CONTINUED TO 12/18/01, 9:30 A.M.**
40. **Acting as the Board of Supervisors and Orange County Flood Control District** - Approve agreement D01-042 with Lake Forest and Serrano Creek Conservancy for restoration and repair of Serrano Creek; approve addendum No. IP 01-108 of final Mitigated Negative Declaration IP 00-108; and Acting as the Orange County Flood Control District - approve plans and specifications and set bid opening for 1/2/02, 2:00 p.m. - District 5
B.O. **DELETED**

SOCIAL SERVICES AGENCY

41. Approve amended Aid to Refugees Budget, FY 2001-02 (\$315,738; new total \$650,504) - All Districts
32154 **APPROVED AS RECOMMENDED**
42. Select MAXIMUS, Inc. for CalWORKS case management services, 4/1/02 - 12/31/04 (\$19,841,183); and Curtis and Associates, Inc. for CalWORKS job services, employment support and job retention services, 4/1/02 - 12/31/04 (\$37,292,646); and authorize negotiation of agreements for Board approval - All Districts
31254 **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

43. **District Attorney** - First reading of "An Ordinance of the County of Orange, California, Establishing the Department of Child Support Services"; and set second reading and adoption for 12/11/01, 9:30 a.m. - All Districts
31254 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

44. **Assessor Department** - Approve authorization to sell Business Property Statement 571-L E-File software to individual California counties (\$65,000); and authorize Assessor to adjust sale price up to 15% to cover costs of enhancements - All Districts
12354 **APPROVED AS RECOMMENDED**

County Executive Office:

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- 45 . Approve price agreement N1000003976 with GCAP Services, Inc., dba GCAP Business Solutions for professional services for County-Wide Accounting and Personnel System, 12/4/01 - 12/3/04 (\$2,722,100); renewable for two additional years (\$1,933,800) - All Districts
14235 **APPROVED AS RECOMMENDED**
- 46 . Approve selection of a firm for State Legislative Advocacy services, 1/1/02 - 12/31/02 - All Districts
B.O. **CONTNUED TO 12/11/01, 9:30 A.M.**
- 47 . Adopt resolution authorizing staff to apply, on behalf of participating cities and unincorporated areas, to the California Debt Limit Allocation Committee for a portion of State allocation of private activity bonds for conversion to mortgage credit certificates; and approving establishment of 2002 Mortgage Credit Certificate Program - All Districts
51234 **APPROVED AS RECOMMENDED**
RESO: 01-409
- 48 . Approve amended Memoranda of Understanding for Association of Orange County Deputy Sheriffs; adopt terms and conditions of employment for Law Enforcement Management and certain Law Enforcement Executive Management employees; and adoption of amended personnel and salary resolution and adopt resolution implementing a 3% at 50 retirement formula, effective 6/28/02 - All Districts
34125 **APPROVED AS RECOMMENDED**
RESO: 01-410
- 49 . **Registration/Elections** - Approve revised schedule of rates for election related information, effective 12/5/01; and make California Environmental Quality Act and other findings - All Districts
B.O. **DELETED**
- 50 . **Treasurer-Tax Collector** - Adopt resolution approving amendment to 1992 Defined Benefit Retirement Plan; appoint Assistant County Executive Officer-Human Resources or designee as County's Plan Administrator; adopt Public Agency Retirement System Trust; appoint Phase II Systems as Trust Administrator; and Union Bank of California as Trustee; and authorize Treasurer-Tax Collector and County Plan Administrator to take certain related actions - All Districts
12354 **APPROVED AS RECOMMENDED**
RESO: 01-411
- 51 . **County Executive Office/Auditor-Controller** - Receive and file Fiscal Analysis of "The Orange County Central Park and Nature Preserve Initiative" and Impact on General Plan of "The Orange County Central Park and Nature Preserve Initiative" reports; adopt proposed initiative as an Ordinance without change or order placement of initiative on ballot for next statewide election, 3/5/02 - All Districts
31254 **APPROVED RECOMMENDED ACTIONS 1 AND 3 AS REVISED BY MEMO DATED 12/3/02 TO PLACE INITIATIVE ON THE BALLOT**
- S51A. **Chair Coad** - Adopt resolution commending California Senior Legislature for their dedication and service to the welfare of our senior citizens

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45123 **APPROVED AS RECOMMENDED**

RESO: 01-412

S51B. **Supervisor Wilson** - Appoint Brian D. Disk, Dana Point, for term concurrent with Supervisors term

B.O. **DELETED**

IV. PUBLIC HEARINGS (Items 52-54)

PLANNING AND DEVELOPMENT SERVICES

52. Public Hearing to consider adopting resolution approving Negative Declaration IP00-208 and Housing Element Amendment 2001-2 - All Districts

B.O. **CLOSED PUBLIC HEARING**

52134 **APPROVED AS RECOMMENDED**

RESO: 01-413

53. Public Hearing to consider approving Negative Declaration PA00-0101; adopting "An Ordinance of the County of Orange, California, Adopted Pursuant to the State Planning and Zoning Laws, Amending the Orange County Zoning Map by Rezoning Certain Land from PC to RS (PD) Conditional in Accordance with the Orange County Zoning Code (ZC00-04)"; and adopting resolution denying appeal filed by City of Laguna Woods and upholding the Planning Commission's approval of Use Permit PA00-0101 filed by Rossmoor Partners, L.P. creating 23 residential building sites; and make California Environmental Quality Act and other findings - District 5

B.O. **CLOSED PUBLIC HEARING**

52134 **APPROVED AS AMENDED TO MODIFY RESOLUTION TO REFLECT WITHDRAWAL OF APPEAL FILED BY CITY OF LAGUNA WOODS**

RESO: 01-414

ORD: 01-014

54. Public Hearing to consider adopting resolution denying appeal filed by City of Laguna Woods and upholding the Subdivision Committee's approval of Tentative Tract 15931 filed by Rossmoor Partners, L. P.; and make California Environmental Quality Act and other findings - District 5

B.O. **DELETED**

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V. CLOSED SESSION (Items CS-1-SCS5)

GENERAL ADMINISTRATION

County Counsel:

- CS-1. CONFERENCE WITH LEGAL COUNSEL-PENDING LITIGATION: County Counsel requests a closed session to discuss with the Board of Supervisors the status of pending litigation pursuant to Government Code Section 54956.9(a). The case is: County of Orange v. Orange County Assessment Appeals Board No. 3, OCSC Case No. 00CC03385 - All Districts (Continued from 11/20/01, Item SCS2)
- B.O. **CONTINUED TO 12/18/01, 9:30 A.M.**
- CS-2. CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION: County Counsel requests a closed session to discuss with the Board of Supervisors the status of pending litigation pursuant to Government Code Section 54956.9(a). The case is: El Toro Reuse Planning Authority, et al. v. County of Orange, OCSC Case No. 01CC06483 - All Districts
- B.O. **HELD, NO REPORTABLE ACTION**
- CS-3. CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION: County Counsel requests a closed session to discuss with the Board of Supervisors the status of pending litigation pursuant to Government Code Section 54956.9(a). The case is: Garry v. City of Irvine, OCSC Case No. 01CC06462, 4th District Court of Appeal Div. 3 Docket No. G029699 - All Districts
- B.O. **HELD, NO REPORTABLE ACTION**
- CS-4. CONFERENCE WITH LEGAL COUNSEL - THREATENED LITIGATION: County Counsel requests a closed session for the Board of Supervisors to consider threatened litigation (one case), pursuant to Government Code Section 54956.9(b)(3)(D) - All Districts
- B.O. **HELD, NO REPORTABLE ACTION**
- SCS5. CONFERENCE WITH LEGAL COUNSEL- INITIATION OF LITIGATION: County Counsel requests a closed session for the Board of Supervisors to consider initiation of litigation pursuant to Government Code Section 54956.9(c); one case - All Districts
- B.O. **HELD, NO REPORTABLE ACTION**

VI. PUBLIC, BOARD & EMAIL COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Margrit Kendrick and Mary Ellen Goddard - Oral RE: Concerns regarding Old County Courthouse change in use of facility

Wo'o Ideafarm and Velvet Rose - Oral RE: Concerns regarding elder abuse problems and nursing home care neglect

BOARD COMMENTS:

None

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ADJOURNED: 2:42 P.M.

12354 Adjourned in memory of John Prescott

34125 Adjourned in memory of Thomas McCauley

*** KEY ***

Left Margin Notes

1. √ Supervisor Smith
2. √ Supervisor Silva
3. √ Supervisor Spitzer
4. √ Chair Coad
5. √ Supervisor Wilson

- A. √ Abstained
- X. √ Excused
- N. √ No
- BO √ Board Order

Right Margin Notes

- O. √ Ordinance
- R. √ Resolution

Above numbers refer to Supervisorial Districts (1st number = Moved by; 2nd number = Seconded by)

CYNTHIA P. COAD, CHAIR
Orange County Board of Supervisors

DARLENE J. BLOOM
Orange County Clerk of the Board